

## CONTENTS

EXECUTIVE SUMMARY .....	es-i
INTRODUCTION .....	1
BACKGROUND .....	5
KEY ISSUES IN THE BROWNFIELDS DEBATE.....	9
I.    Understanding the Nature of the Urban Environment .....	10
II.   The Ecological Importance of Urban Areas.....	10
III.  Reframing the Urban/Rural Dichotomy.....	11
IV.   Confronting the Issue of Race and Class .....	12
V.    Urban Revitalization and Community-Driven Models of Redevelopment.....	12
VI.   Community Mapping and Community-Based Environmental Protection.....	13
VII.  Executive Order 12898 and Government Reinvention .....	14
VIII. Environmental Justice and the Next Generation of Environmental Protection .....	16
URBAN REVITALIZATION/BROWNFIELDS RECOMMENDATIONS.....	18
I. <b>PUBLIC PARTICIPATION AND COMMUNITY VISION</b> .....	20
1. <i>Informed and Empowered Community Involvement</i> .....	20
2. <i>Community Vision/Comprehensive Community-Based Planning</i> .....	23
3. <i>Role and Participation of Youth</i> .....	26
II. <b>KEY ISSUE AREAS</b> .....	29
4. <i>Equal Protection</i> .....	29
5. <i>Public Health, Environmental Standards, and Liability</i> .....	31
6. <i>Job Creation, Training, and Career Development</i> .....	37
7. <i>Land Use</i> .....	40
III. <b>PUBLIC AND PRIVATE SECTOR PARTNERSHIPS</b> .....	44
8. <i>Community/Private Sector Partnerships</i> .....	44
9. <i>Local, State, Tribal, and Territorial Governments</i> .....	47
10. <i>Federal Interagency Cooperation, Programmatic Integration, and Government Reinvention</i> .....	50
CONCLUSION.....	54
APPENDICES.....	60
ACKNOWLEDGEMENTS.....	62
MEMBERS OF THE NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL .....	64
MEMBERS OF THE WASTE AND FACILITY SITING SUBCOMMITTEE .....	66
LIST OF EPA BROWNFIELDS PILOT SITES.....	67
KEY EPA ACTIONS TO DATE.....	69

## EXECUTIVE SUMMARY

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*The vision of environmental justice is the development of a holistic, bottomup, community-based, multi-issue, cross-cutting, integrative, and unifying paradigm for achieving healthy and sustainable communities--both urban and rural. In the context of ecological peril, economic dysfunctionality, infrastructure decay, racial polarization, social turmoil, cultural disorientation, and spiritual malaise which grips urban America at the end of the 20th century, environmental justice is indeed a much needed breath of fresh air. Tragically, many positive developments have been rendered invisible behind the curtain of a sensationalism-oriented mass media. However, there is no denying that great resilience exists in the economic, cultural, and spiritual life of America's communities. There are many stellar accomplishments, entrepreneurial successes, and significant victories--both big and small. Hence, an abiding goal of the Public Dialogues on Urban Revitalization and Brownfields was the **constant search for authentic signs of hope.***

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### **Background**

In 1995, the National Environmental Justice Advisory Council (NEJAC) Waste and Facility Siting Subcommittee and the U.S. Environmental Protection Agency co-sponsored a series of public hearings entitled, "Public Dialogues on Urban Revitalization and Brownfields: Envisioning Healthy and Sustainable Communities." The Public Dialogues were held in five cities: Boston, Massachusetts; Philadelphia, Pennsylvania; Detroit, Michigan; Oakland, California; and Atlanta, Georgia. They were intended to provide for the first time an opportunity for environmental justice advocates and residents of impacted communities to systematically provide input regarding issues related to the EPA's Brownfields Economic Redevelopment Initiative.

More than 500 persons from community groups, government agencies, faith groups, labor, philanthropies, universities, banks, businesses, and other institutions participated in a "systematic attempt to stimulate a new and vigorous public discourse about developing strategies, partnerships, models, and projects for ensuring healthy and sustainable communities in America's urban centers and demonstrating their importance to the nation's environmental and economic future." Representatives from 15 federal agencies as well as state and local, and tribal governments participated.

Concerns were raised by members of the public about the Brownfields Initiative, i.e., whether or not the Brownfields issue was a "smoke screen" for gutting cleanup standards, environmental regulations, and liability safeguards. Heretofore, public policy discourse around the Brownfields issue has revolved around removing barriers to real estate and investment transactions at sites where there exists toxic contamination concerns--real or perceived.

There is hope that the Brownfields Initiative will provide an opportunity to (1) stem the ecologically untenable, environmentally damaging, socially costly, and racially divisive phenomenon of urban sprawl and Greenfields development; (2) provide focus to a problem which by its very nature is inextricably linked to environmental justice, for example, the physical deterioration of the nation's urban areas; (3) allow communities to offer their vision of what redevelopment should look like; (4) apply environmental justice principles to the development of a new generation of environmental policy capable of meeting complex challenges such as Brownfields and the existence of a severe crisis in urban America; and (5) bring greater awareness and opportunities for building partnerships between EPA and communities and other stakeholders. As a result, EPA committed itself to supporting a sustained dialogue on Brownfields and environmental justice issues.

EPA already has begun to address concerns raised during the Public Dialogues. For example, EPA revised the criteria for applying for the Brownfields pilots based on comments provided by the NEJAC.

The comments emphasize community involvement and recommend that the extent of community involvement be verified. In February 1996, EPA hosted the Brownfields Pilots National Workshop to increase the coordination on issues related to Brownfields and environmental justice. EPA has begun a focused dialogue on developing mechanisms to ensure linkages between Federal Facilities restoration with urban revitalization/Brownfields. These efforts lay an important foundation for EPA and other agencies to address the recommendations in this report.

### ***Environmental Justice and Brownfields***

Abandoned commercial and industrial properties called "Brownfields," which dot the urban landscape, are overwhelmingly concentrated in people of color, low-income, indigenous peoples, and otherwise marginalized communities. By their very nature, Brownfields are inseparable from issues of social inequity, racial discrimination and urban decay--specifically manifested in adverse land use decisions, housing discrimination, residential segregation, community disinvestment, infrastructure decay, lack of educational and employment opportunity, and other issues.

The existence of degraded and hazardous physical environments in people of color, low-income, indigenous peoples, and otherwise disenfranchised communities is apparent and indisputable. The physical elements of such environments, in part or in whole, have contributed to human disease and illness, negative psycho-social impact, economic disincentive, infrastructure decay, and overall community disintegration. Brownfields are merely one aspect of this phenomenon.

Environmental justice and Brownfields are inextricably linked; the inescapable context for discussion of the Brownfields issue is environmental justice and urban revitalization. At the core of an environmental justice perspective is recognition of the interconnectedness of the physical environment to the overall economic, social, human, and cultural/spiritual health of a community. The vision of environmental justice is the development of a paradigm to achieve socially equitable, environmentally healthy, economically secure, psychologically vital, spiritually whole, and ecologically sustainable communities. To this end, Brownfields redevelopment must be linked to helping address this broader set of community needs and goals. It should be noted that revitalization, as we define it, does not lead to displacement of populations through gentrification that often results from redevelopment policies.

Key issues in the Brownfields debate are:

- Understanding the Nature of Urban Environments
- The Ecological Importance of Urban Areas
- Reframing the Urban/Rural Dichotomy
- Confronting the Issue of Race and Class
- Urban Revitalization and Community-Driven Models of Redevelopment
- Community Mapping and Community-Based Environmental Protection
- Executive Order 12898 and Government Reinvention
- Environmental Justice and the Next Generation of Environmental Protection.

The Brownfields issue compels an examination of development patterns on a regional basis, offering a vision of making links between different communities across the region with common perspectives on social issues as well as environmental issues, and developing strategies to address the polarization between suburban and inner city areas. In order to achieve equal protection under the law, we must develop integrative analytical models for examining how benefits and burdens have been distributed in American society. For example, past zoning and land use decisions are compounded by transportation

policies which spur urban sprawl, disincentives for investment, and exacerbation of preexisting racial and social disparities.

Such an approach has important ramifications for the development of strategies, partnerships, models, and pilot projects. It requires a firm commitment towards the goals of environmental justice and must involve the community as an equal partner. In addition, it must integrate activities of all federal agencies as well as their state, local, and tribal counterparts. Through these Public Dialogues, communities have articulated a highly compelling vision of the future that speaks to the entire federal government, as well as state, local, tribal governments. These recommendations were developed within the framework of a number of overarching questions which emerged from testimony at the Public Dialogues on Urban Revitalization and Brownfields.

### **Recommendations**

Although this report provides an extensive set of recommendations, it attempts as its "heart and soul" to illustrate the organic interrelationships between **people, community, social institutions, government, and public policy**. The "glue" which sustains these relationships is a system of values which treats the hopes and aspirations of people and families as important, exhibits compassion and care for the less fortunate, and supports the social fabric which enables communities to be healthy, wholesome, and sustainable.

When environmental justice posited the notion that "people must speak for themselves" about an environment defined as the place where "we live, where we work, and where we play," it established a framework for functionally bridging the key components of emerging environmental policy, i.e., ecosystem management and community-based environmental protection, equal protection, pollution prevention, cumulative risk and sound science, programmatic integration and government reinvention, and accountability to the public. This fact needs to be elevated as a major tenet of emerging environmental policy.

Moreover, the Brownfields issue compels an examination of integration between place-based approaches to environmental protection with sector-based approaches and their implications for industrial policy. More likely than not, any industrial sector which has entered its second generation and beyond will have large numbers of large numbers of Brownfield sites. Environmental and economic policy must take into account the benefits and costs of the entire "life-cycle" of an industrial sector or facility. Failure to do so results in passing on costs to future generations. For this reason, pollution prevention must be integrated as an overarching principle into all Brownfields projects.

Environmental justice is predicated upon the fact that the health of the members of a community, both individually and collectively, is a product of physical, social, cultural, and spiritual factors. It provides a key to understanding an integrative environmental policy which treats our common ecosystem as the basis for all life (human and non-human) and activity (economic and otherwise).

Recommendation highlights include:

#### *I. Public Participation and Community Vision*

##### **1. Informed and Empowered Community Involvement:**

Early, ongoing, and meaningful public participation is the hallmark of sound public policy and decision making. The community most directly impacted by a problem or a project is inherently qualified to participate in the decision-making process. Mechanisms must be established to ensure their full participation, including training and support for community groups, technical assistance grants, community advisory groups, and others.

- ☐ *Support sustained and structured public dialogue on Brownfields and environmental justice on all levels.*
- ☐ *Institute policies and performance measures which encourage program personnel and policy makers to spend substantive time in neighborhoods as a regular part of their work so that there is understanding of real problems, concerns, and aspirations of community residents.*
- ☐ *Undertake special outreach efforts to overlooked groups.*

## 2. Community Vision/Comprehensive Community Based Planning:

There exists within local communities highly coherent, vibrant, and compelling visions for achieving healthy and sustainable communities. Brownfields and all community revitalization efforts must be based upon such visions. The public dialogues articulated the importance of developing holistic, multi-faceted, interactive, and integrative community-based planning models.

- ☐ *Acknowledge community-based planning as a critical methodology for environmental protection and promote its use both inside and outside the Agency.*
- ☐ *Convene a national roundtable on strategies for application and development of geographic information systems and community mapping tools.*
- ☐ *Develop guidance for incorporation of community-based planning and community visioning into Community-Based Environmental Protection initiatives.*

## 3. Role and Participation of Youth:

Young people provide great energy, creativity, and a sense of fresh vision. Urban revitalization/Brownfields issues are matters of great concern to young people. Issues of healthy and sustainable communities are questions of a viable future. Government and social institutions have a moral obligation to ensure a world fit for all children--present and future.

- ☐ *Form the requisite partnerships both inside and outside of government to better understand and address urban revitalization/Brownfields issues of concern to youth.*
- ☐ *Through the Brownfields initiative, integrate environmental activities and career development with targeted environmental justice and urban revitalization strategies.*
- ☐ *Designate "youth" as a formal stakeholder category for federal advisory committees and other multi-stakeholder public participation processes.*

## II. Key Issue Areas

### 4. Equal Protection:

The urban revitalization/Brownfields issue focuses attention on yet another important set of equal protection issues, i.e., urban sprawl. Many federal programs have widened racial and socio-economic divisions in society by promoting disinvestment and placing substantial indirect burdens on communities and local economies.

In certain urban areas, urban sprawl is infringing upon nearby Tribal lands and, as such, is creating direct burdens on environmental, social, economic, and cultural values. In other urban areas, Tribal governments have won land claim settlements that provide for Tribal acquisition of urban lands that have included contaminated and potentially contaminated commercial and industrial areas. It is

imperative that local jurisdictions that are located next to Tribal land pay attention to the concerns of the Tribal governments, as well as its Tribal community members. Urban revitalization and Brownfields programs must recognize ceded lands, fee lands, and all lands possessing historical, cultural, and spiritual values.

- ☐ *Develop analytical models of the distributive impacts of federal programs which promote urban sprawl and incorporate such analyses into National Environmental Policy Act (NEPA) Environmental Justice Guidance.*
- ☐ *Examine use of Title VI of the Civil Rights Act of 1964 with respect to federal support in areas of community reinvestment, fair housing, equal business opportunity, financing, and health protection.*
- ☐ Identify all Tribal lands that are impacted by urban sprawl and evaluate barriers against equal protection.

#### 5. Public Health, Environmental Standards, and Liability:

Public health and environmental protection are matters of primary concern to communities. In areas which suffer a long history of noxious land uses, illegal dumping, and lack of health and safety enforcement, priority must be given to ensuring that areas are safe for redevelopment as the first step in urban revitalization and brownfield redevelopment efforts. At this point, the public health has yet to be a real part of the urban revitalization/Brownfields discourse.

- ☐ *Establish mechanisms which ensure a primary role for impacted communities in the decision-making process regarding public health and environmental protection issues.*
- ☐ *Strengthen right-to-know, enforcement and compliance activity in impacted communities.*
- ☐ *Support several Brownfields projects where the key component is assessment of health risks on a community-wide basis.*
- ☐ *Conduct a series of dialogues on integration of public health and planning for purposes of achieving true urban revitalization with healthy and sustainable Brownfields redevelopment.*

#### 6. Job Creation, Training, and Career Development:

Brownfields redevelopment must be coordinated with broader strategies of job creation, training; and career development which produce demonstrable benefits for the host community. Coordination and cooperation among government (federal, state, tribal, and local), business/industry, community-based organizations, labor unions, faith groups, and the community at large is mandatory in order to leverage resources and promote maximum benefit. Everyone benefits if they are unified and taking actions towards a common goal, i.e., a vibrant, safe, healthy, and sustainable community.

- ☐ *Make use of the momentum generated by the Brownfields issue and provide leadership in building partnerships and coalitions which result in locally based job creation, entrepreneurial development, and sustainable careers.*
- ☐ *Support efforts to ensure worker health and safety.*

#### 7. Land Use:

Historical land use decisions based upon race have played a powerful role in shaping communities with large numbers of Brownfields. Inadequate zoning protection is a matter of paramount importance to

impacted communities and environmental justice. It is critical that this social context be fully understood and addressed before embarking upon a national strategy of urban redevelopment. In so doing, common interests must be found across urban and suburban lines to develop a mutually compatible and supportive policy and program agendas.

- ☐ *Examine land use patterns of an entire metropolitan area or region surrounding Brownfields sites.*
- ☐ *Encourage and support the involvement of non-traditional stakeholders (such as community-based organizations) in government processes, such as zoning issues.*
- ☐ *Identify the real costs of Greenfields development.*

### *III. Public and Private Sector Partnerships*

#### **8. Community/Private Sector Partnerships:**

At the root of many problems confronting urban/Brownfields communities are massive economic shifts that have marked the past two decades. New approaches towards building partnerships between decaying inner city communities and newer suburban are a vital necessity. Decay in both physical and social infrastructure pose great obstacles to reinvestment and revitalization. Urban revitalization/Brownfields programs must form partnerships with groups beyond the traditional Brownfields stakeholder groups to include community based organizations, youth groups, faith groups, labor groups, civil rights groups, public health groups, and philanthropy. Government agencies and societal institutions must not view communities as merely an assortment of needs but as a collection of assets which can be built upon.

- ☐ *Institute a Brownfields grant program which provides funds directly to community groups in partnership with locally based non-governmental institutions.*
- ☐ *Convene a National Urban Revitalization/Brownfields Summit Meeting of all stakeholders working on or affected by Brownfields projects as an opportunity to bring together all parties to discuss critical issues, craft unified strategies, and determine actions for follow-up.*

#### **9. Local, State, Tribal, and Territorial Government:**

Local, state, tribal, and territorial governments increasingly recognize the importance of addressing contaminated properties and Brownfields issues. Mature communities, both urban and rural, are confronting several generations of Brownfields. At the same time, municipalities lack the capacity and resources to develop effective urban revitalization/Brownfields programs. Tribal and territorial governments have often overlooked special issues such as sovereignty and infrastructure. States will have key roles because they will provide regulatory oversight for voluntary cleanup. Improved communications to better understand differing roles and needs is critical, as is building the capacity of local communities to work with each level of government.

- ☐ *Improve communications and coordination between and among multiple levels of government to enable an integrated approach to Brownfields as part of overall community revitalization efforts.*
- ☐ *Provide training on environmental justice and Brownfields for local, state, tribal and territorial governments.*
- ☐ *Develop a Brownfields grant program specifically designed to meet the special needs of Native American Tribes and U.S. Territories.*

#### 10. Federal Interagency Cooperation, Programmatic Integration, and Government Reinvention:

The original and most enduring proponents of government reinvention are community residents engaged in overcoming systemic impediments to locally based solutions. The heart and soul of an authentic government reinvention process must be based upon vibrant and coherent community-based visions of healthy and sustainable communities. There already exists many federal policy and program initiatives which lend themselves to viable integrative strategies. In seeking to address a set of placed-based, multi-faceted, and cross-cutting set of issues, urban revitalization/Brownfields efforts provide unique opportunities for programmatic integration and government reinvention.

- ☐ *Establish an interagency task force on Urban Revitalization/Brownfields, either through the Interagency Working Group on Environmental Justice or some other appropriate mechanism, to ensure programmatic coordination and integration.*
- ☐ *Provide opportunities for communities to systematically engage EPA and other federal around ways in which federal programs around ways by which they can coordinate programs, pool resources and tap expertise.*

#### **Conclusion**

The urban revitalization/Brownfields debate reveals issues of civilizational dimensions. As we look to the 21st century, what endeavor could possibly be more eminently worthy and necessary; more obviously logical and deserving of our national attention, expertise, and resources; or more meaningful and spiritually nourishing than that of revitalizing America's urban areas and ensuring healthy and sustainable communities, both urban and rural? A challenge so great as this cannot be met with compelling visions of what constitutes healthy and sustainable communities. We have found that such visions already exist in highly coherent and vibrant ways within many communities across the nation.

The Nation is locked within the throes of a set of transitions which are demographic, economic, environmental, technological, social, cultural, linguistic, generational, and indeed spiritual in nature. Urban revitalization and Brownfields offer an opportunity to shape new policy, programs, partnerships, and pilot projects which rise to the challenge of the cross-cutting issues raised in this report. The Subcommittee continues to pose these questions:

- Can this process begin to set a direction capable of crystallizing a unifying and cross-cutting vision within the federal government to serve as an anchor for the mobilization of society's resources--both public and private?
- Can the restoration of the physical environment in America's cities become the anchoring point for economic, social, cultural, and spiritual renewal and thus provide the basis for a embarking upon a new and ennobling national mission?

These questions form the guiding elements for envisioning the next phase of urban revitalization/Brownfields strategies. The NEJAC Subcommittee felt the need to identify priorities for the next two to four years from the above recommendations. The Subcommittee recognized that the Brownfields Initiative has achieve broad-based support because it linked two critical areas, i.e., environmental cleanup with job creation. Over the past year, the Subcommittee has worked to stimulate dialogue on ensuring the following issue linkages:

- Environmental cleanup with job creation
- Federal facilities cleanup and restoration with urban revitalization/Brownfields
- Urban revitalization/Brownfields with transportation, regional land use, and the Department of Transportation's "Livable Communities" Initiative
- Urban revitalization/Brownfields, public health, and community-based planning



We believe that a maturing discussion on the above issues will take place over the next year and provide the catalyst for a unified federal approach towards coalescing a common urban revitalization strategy across all federal agencies. Several other priorities must take place over the next two to four years:

- Establish an interagency urban revitalization/Brownfields task force, either through the Federal Interagency Working Group on Environmental Justice or other appropriate mechanisms;
- Convene a National Urban Revitalization/Brownfields Summit (this should be portrayed as a “national revival” for the cities);
- Support the establishment of a National Urban Revitalization/Brownfields Training Institute to develop and train in achieving healthy and sustainable communities;
- Convene a dialogue between community groups and developers/investors to achieve a common framework for decision making and working partnerships;
- Ensure support for worker training programs and establish mechanisms for better coordination;
- Establish special grant programs in areas of technical assistance to communities, small grants for community-based advocacy and training, and a tribal and territorial Brownfields grant program
- Establish new partnerships above and beyond traditional urban revitalization/Brownfields stakeholders to include community-based organizations, youth groups, faith groups, labor groups, civil rights groups, public health groups, and philanthropic organizations.

If the Brownfields issue is nothing else, it was an opportunity for community groups to engage government, developers, and other stakeholders around their vision of what healthy and sustainable communities are. The stakes cannot be greater. EPA must begin to think about a new framework which will address the issues raised through the Public Dialogues on Urban Revitalization and Brownfields. The hallmark of that process must be informed and empowered community involvement. Likewise, all agencies in the federal government should consider these cross-cutting issues and begin to shape coordinated and integrative strategies.

The NEJAC Subcommittee on Waste and Facility Siting believes that a process has been started by which environmental justice advocates and impacted communities have changed the operative definition of the term “Brownfields.” This already has translated into some significant changes in the way in which EPA implements the Brownfields Initiative. We hope to engage a process which ultimately will coalesce a new type of environmental and social policy capable of meeting the challenges of revitalizing urban America and restoring ecological balance to the nation. This was our intent. Anything less would have amounted to a failure of leadership, a breaking of faith with communities, and acquiescence to business as usual.